

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,  
TEXAS, NOVEMBER 7, 2006, 7:00 P.M.**

The City Council of the City of Leon Valley, Texas, met for a Regular City Council Meeting on the 7<sup>th</sup> day of November 2006 at 7:00 p.m., at the Leon Valley City Council Chambers, for the purpose of the following business, to-wit:

**Call to Order and Pledge of Allegiance.**

Mayor Riley called the meeting to order and asked that the minutes reflect that the following members of Council were present: Maloy, Reyna, Semmelmann, Dean and Rangel.

City Manager Brummett, City Secretary Feutz, Community Development Director Smith, Fire Chief Irwin, Interim Public Works Director Stolz, Economic Development Director Caldera, and City Attorney Jacobson were also present.

Mayor Riley asked Marguerite Desbrow of the Blue Star Mothers to lead the Pledge of Allegiance.

**Consider approval of minutes of the Special City Council Meeting of October 13, 2006 and the Regular City Council Meeting of October 17, 2006.**

A motion was made by Councilman Reyna, seconded by Councilmember Semmelmann, to approve the minutes of the Special City Council Meeting of October 13, 2006 and the minutes of the Regular City Council Meeting of October 17, 2006 as presented. Upon vote, the motion carried unanimously.

**Presentation of Service Award for Employee with 25 Years of Service to the City - Joyce Trent, City Library Director and Fred Friar, L.V.F.D.**

Mayor Riley presented a gold watch, a service award for twenty-five (25) years of service to the City to Fire Engineer Fred Friar. The award for Library Director Joyce Trent will be awarded at a later meeting.

**Proclamation of Appreciation to Fred Friar upon his retirement from service with the Leon Valley Fire Department.**

Mayor Riley also presented retiring Fire Engineer, Fred Friar, with a Proclamation of Appreciation thanking him for his years of dedicated service to the City. Mr. Friar thanked the City, Chief Irwin and his family for their support.

**Proclamation of Appreciation to Jeffery A. Collins upon his retirement from service with the Leon Valley Fire Department.**

Mayor Riley presented retiring Fire Captain Jeff Collins with a Proclamation of Appreciation and thanked him for more than twenty-one years of dedicated service to the City. Captain Collins also thanked the City, Chief Irwin, and encouraged everyone to continue to support the Fire Department.

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**Presentation of 2006 Annual Beautification Awards for Business and Neighborhood  
Categories - Awards of Excellence and Awards of Merit.**

Mayor Riley presented Excellence Awards and Merit Awards to winners of the 2006 Beautification Awards in two categories: the Neighborhood Category and the Business Category. She congratulated all participants and thanked the Civic Affairs Committee, the Gardening Volunteers of South Texas, and staff members Crystal Caldera and Sylvia Gomez for their help in such a successful program.

In the Business Category, Merit Awards were awarded to: Bandera Car Wash, HEB SA 30, Corporation #262, The Oasis Tropical Fruteria, Luby's, Lack's Home Furnishings, the Pediatric Dentistry Office, Tom Page and Company, Inc., the Leon Valley Public Library, and to the Leon Valley Public Works Department, who worked on the landscaping at the City Hall entrance.

In the Neighborhood Category, Merit Awards were awarded to: Jean Johnson and Mike Davis, Roland and Marcy Meffert, Gloria Flores and Margaret Gately, Robert and Mary Lou Cruse, Michael Kyrish, Sunny Hari, Michelle Ramirez, Mitch and Ronda Hageman, George and Norma Parr, Sam and Cynthia Salazar, and Luis and Mericela Perez.

In the Business Category, awards of Excellence and yard signs were awarded to: Taco Cabana, Pena Brothers Upholstery, Sunset Funeral Home Northwest, Henry's Puffy Tacos, Inc., and the Bandera Dialysis Center.

In the Neighborhood Category, awards of Excellence and yard signs were awarded to: David Smith, Roger and Maryanna Christensen, Joanne Zinn, William and Sheran Rivette, and Maria Cecilia Leiva.

**Citizens to Be Heard and Time for Objections to the Consent Agenda.**

Mayor Riley asked Council if they wished for any Consent Agenda items to be removed for further discussion. Hearing no requests, Mayor Riley asked if anyone in the audience wished to address Council.

Resident Marcy Meffert addressed Council thanking the City, the Mayor, Councilmembers, and staff from the Public Works, Fire, and the Police Departments for their support of the Los Leones Student Art Festival which was held on November 4, 2006. She reported on the success and the increased number of business sponsors for the program.

Resident Marguerite Desbrow addressed Council stating that she, and other members of the Blue Star Mothers, hung yellow ribbons in the trees at City Hall, the Library and at the Community Center. She asked to hang yellow ribbons in the trees of the Raymond Rimkus Park to remind everyone of the service members serving their country. Mayor Riley asked the City Manager to contact Ms. Desbrow about the park ribbons.

Mayor Riley asked if anyone else wished to address Council; seeing no one, she asked for a motion on Consent Agenda Items.

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**Consent Agenda**

**Consider M&C # 11-01-06 - Award of contract to ETECH Construction, Inc. for the FY 2006 Sidewalk Improvements on Bandera Road to be funded by a Bexar County CDBG grant. ETECH Construction, Inc. was the lowest bidder in the amount of \$97,225.36.**

**Consider M&C # 11-02-06 with attached Ordinance - Administrative correction to the numbering of "temporary weekend signs" and correction of Section 5.7, "Required Signs" minimum size of address numbers. The Sign Code was recently repealed and replaced on September 5, 2006, and these corrections are administrative in nature.**

A motion was made by Councilmember Maloy, seconded by Councilman Reyna, to approve the Consent Agenda Items. Upon vote, the motion carried unanimously.

**Regular Agenda**

**Presentation by Bert Thomas, Park Commission Chairperson, on Park Commission activities and recommendations.**

Park Commission Chairman Bert Thomas addressed Council providing an overview of the projects the Park Commission had worked on over the last six months. Mr. Thomas explained that the Commission worked on: applying for grants, assigning focus areas to each Commission member, developing a policy for donations of trees for the park, discussing the noise ordinance and revising the Park Brochure to inform renters to be considerate of the surrounding neighbors.

Mayor Riley thanked Mr. Thomas and introduced members of the Commission present at the meeting: Beverly Freeman, Al Uvietta, Cathy Nelson, and Patty Manea. She thanked Councilmember Semmelmann and staff liaison Fred Stolz and the Commissioners for their service to the community.

**Public Hearing to consider Zoning Case #06-373 with attached Ordinance - A request by Milmo Investments LLC, applicant to rezone approximately 4.883 acres of land from R-1 (Single-Family Dwelling) to B-3 (Commercial) to R-3 (Multiple-Family Dwelling) in the 6000 Block of Sawyer Road and B-2 (Retail) at 6031 Grissom Road. Applicant requests POSTPONEMENT of the public hearing to the City Council Meeting of December 5, 2006.**

Mayor Riley read the request by Milmo Investments to postpone the public hearing and Council's consideration of their rezoning request of approximately 4.883 acres of land from R-1 (Single Family Dwelling) to B-3 (Commercial) to R-3 (Multiple-Family Dwelling) in the 6000 Block of Sawyer Road and B-2 (Retail) at 6031 Grissom Road to the Regular City Council Meeting of December 5, 2006.

A motion was made by Councilmember Maloy, seconded by Councilman Reyna, to approve the postponement to December 5, 2006 for the public hearing and Council's consideration of the case. Upon vote, the motion carried unanimously.

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**Consider M&C # 11-03-06 with attached Ordinance - appointing a new City Veterinarian and authorizing the City Manager to enter into a contract with the new veterinarian for animal care services.**

Community Development Director Smith explained to Council that the request was to consider appointing Edmund Meier, D.V.M., of the Leon Valley Veterinary Clinic to serve as the City Veterinarian and authorize the City Manager to negotiate a contract with Dr. Meier pending approval by the City Council. Ms. Smith reviewed the history of the City's animal care services. She further explained that the current City Veterinarian, Dr. Robert Spillers, notified the City that his clinic no longer wished to continue their contract with the City for animal care services, effective mid-November. She explained that after an intensive research and inquiry, only one animal care facility expressed a desire to contract with the City to provide these services, the Leon Valley Veterinary Clinic with Dr. Meier.

Ms. Smith explained that although any future fee changes and the actual contract between the City and the City Veterinarian will come back to Council for their consideration, an appointment to the position of City Veterinarian for Dr. Edmund Meier was needed to proceed with contract negotiations.

Following Council discussion, a motion was made by Councilmember Semmelmann, seconded by Councilmember Dean, to approve the request and attached ordinance as presented for a new veterinarian for animal care services and to authorize the City Manager to negotiate a contract with Dr. Edmund Meier for animal care services, pending Council approval. Upon vote, the motion carried unanimously.

**Consider M&C # 11-04-06 with attached Ordinance - Authorizing a Budget Adjustment from the General Fund Reserve to the Community Development Department in the amount of \$11,400, for a temporary animal shelter and related equipment and supplies.**

Community Development Director Smith addressed Council explaining that a budget adjustment to the FY 2007 Budget was needed to provide additional funding from the General Fund Reserve to cover expenses in the amount of \$11,400 for the temporary animal shelter to be set up at the Leon Valley Veterinary Clinic for City animal care services. The adjustment will allow for the purchase of a temporary structure, temporary security fencing and kennels for animals until Dr. Meier is able to expand his clinic to accommodate the additional space needed to provide for the City's animal care services. Ms. Smith stated that once Dr. Meier's expansion is completed, the temporary structures will be removed and the stray animals will be moved into their own permanent wing of the facility.

Following Council discussion, a motion was made by Councilman Reyna, seconded by Councilmember Dean, to approve the request and attached ordinance for a budget adjustment from the General Fund Reserve in the amount of \$11,400, for a temporary animal shelter and related equipment and supplies as presented. Upon vote, the motion carried unanimously.

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**Consider M&C # 11-05-06 with attached Ordinance - Authorizing the City Manager to request use of the City Public Service Overhead to Underground Conversion Funds to relocate electrical power lines at 7249 Bandera Road.**

Community Development Director Smith presented case particulars for this request explaining that the property was replatted to one lot in the Linkwood Subdivision. The property was razed and a Specific Use Permit had been delivered to the Department for a restaurant at the site.

Ms. Smith presented an overview of the balance of \$836,000 in the Community Infrastructure Economic Development (CIED) funds. Ms. Smith explained that the original estimate to relocate the overhead lines was for \$53,000, but now that cost has risen to \$ 89,000 due to upgrading the cable to heavy duty and hand digging that was required at the project. She noted that CPS Energy has agreed to absorb the cost of the steel utility poles reducing the actual cost to \$84,300 thereby making the CIED fund balance \$747,000, if this request is approved. She explained that the money in the fund is replenished as CPS receives revenues, which are collected based on 1% of the previous year's monthly revenues and is estimated to be between \$80,000 - \$90,000 per year. Ms. Smith stated that new rules for the CIED funds required that the funds received beginning in 2005 must be used within a 3-year window or the City's ability to use those moneys would expire. She explained that the proposed use of the CIED fund money was an appropriate use of the funds and supported the City's Vision Statement.

CPS Energy representatives, Lisa Ponce and Roland Hinojosa, addressed Council answering questions about the new rules for the use of the CIED funds. Ms. Ponce explained that the funds from within the three-year period, starting in 2005, would be used first, but the funds within the City's CIED fund account that were deposited prior to 2005, would remain in the City's account and could be used at any time after the City exhausts the funds that were within danger of expiring. Mr. Hinojosa explained that as of February 2005, there was a balance of \$1,000,000 in the City's CIED Fund. Answering questions about the use of the funds for other economic development related projects, Ms. Ponce stated that a cost/benefit analysis would be done for any proposed projects that would use the CIED Fund to determine the benefits for both CPS Energy and for the City. Councilmember Maloy requested that information be sent to the City to clarify what types of economic development projects would be appropriate for CIED Fund use.

Mr. Hinojosa stated that the CIED Fund was used for overhead conversions, overhead reroutes, overhead to underground conversions, underground facilities, and for economic development projects, such as projects to improve aesthetics, providing there was a positive cost/benefit analysis showing a benefit to CPS from the project. He further explained that there was a policy written by CPS Energy on the CIED Fund use and he stated that projects that reduce peak utility demand, for both residential or commercial facilities, could be considered for CIED funds.

Ms. Ponce explained that any environmental project requires CPS Board consideration. Mr. Hinojosa explained that last money deposited to the City's CIED fund would become the first money taken out of the City's account.

Mr. Brummett explained that \$190,000 will come from the CIED fund for the Huebner Creek Drainage Project. Ms. Ponce explained that once money in the CIED fund is earmarked for a project, the project doesn't have to be finished before the three-year period expiration.

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Mr. Hinojosa informed Council that CPS Energy was in favor of the Huebner Creek Drainage Improvements Project, but they felt that the charge of \$35,000 for the contractor was an inefficient use of the CIED fund, as by the R.L. Jones Change Order. Mr. Hinojosa stated that the CIED funds were for the City to use and that CPS Energy would support the final decision of the City in regards to the R.L. Jones Change Order.

Following Council discussion, a motion was made by Councilman Reyna, seconded by Councilmember Rangel, to authorize the City Manager to request the use of City Public Service (CPS) Overhead to Underground Electrical Conversion Funds to pay costs for rerouting overhead electrical lines at 7249 Bandera Road. Upon vote, the motion carried unanimously.

**Public Hearing to consider M&C # 11-06-06 with attached Ordinance - Repealing and replacing Chapter 30, "Zoning", in its entirety with a new Chapter 30. Recommend POSTPONEMENT of public hearing and Council consideration to the Regular City Council Meeting of November 21, 2006.**

Mayor Riley announced that the public hearing to consider repealing and replacing City Code Chapter 30, "Zoning" was postponed until the Regular City Council Meeting of November 21, 2006.

A motion was made by Councilmember Semmelmann, seconded by Councilman Reyna, to approve the postponement to the Regular City Council Meeting of November 21, 2006. Upon vote, the motion carried unanimously.

**Consider appointment of a member to the Trade and Market Days Committee, a member to the Park Commission, and members to the Civic Affairs Committee.**

Mayor Riley asked Council to consider approval of the following appointments: Marcela Wallace to the Trade and Market Days Committee, Valerie Flinn to the Park Commission, and Carlos and Darcy Vera to the Civic Affairs Committee.

A motion was made by Councilmember Maloy, seconded by Councilman Reyna, to approve the appointments as presented. Upon vote, the motion carried unanimously.

**City Manager's report.**

City Manager Hank Brummett addressed Council stating that the public meeting held by the Environmental Protection Agency (EPA) on November 2, 2006 had a good turnout and he felt that the EPA heard good citizen input. He recommended that a small work group, with the EPA, the TCEQ, the Edwards' Aquifer Authority, be gathered so that Leon Valley could be proactive in reviewing the EPA project's progress.

He gave all Councilmembers magnets which explained the City's flood warning sirens and stated that the magnets would be distributed by the Fire Department to those living in the flood plain.

Mr. Brummett reported that the traffic preemption system was scheduled to have the controllers on the traffic lights by November 29<sup>th</sup> and the system's transmitters to be installed in the City vehicles by December 8, 2006.

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**Citizens to be heard.**

Mayor Riley asked if anyone from the audience would like to address Council, seeing no one, Mayor Riley asked for announcements from Council.

**Announcements.**

Councilmember Maloy stated that she had received calls from Helotes residents complimenting the Leon Valley Fire Department on their service at the recent fire in Helotes. She reminded everyone about the November 11<sup>th</sup> Trade and Market Day and reminded everyone that the Leon Valley Library now had a cell phone recycling receptacle at their entrance.

Councilmember Semmelmann complimented the City Hall marquee and challenged the City Manager to find funds to replace the marquee at the Library with a marquee like the one in front of City Hall. He stated that no stormwater rules had been received from TCEQ yet.

Councilmember Rangel thanked the Blue Star Mothers for their work. He announced that another service member from the area had been killed in action. He stated that he and the City Manager had come to an agreement that when the viewing and funeral ceremonies for a fallen service member are held in the area, flags will be lowered to half mast. He thanked the Civic Affairs Committee and the Garden Volunteers for their work on the Beautification Awards.

Mayor Riley welcomed the City Attorney back to work. She announced that on November 10<sup>th</sup>, Governor Perry's Task Force on Appraisal Reform would be holding a conference that she would be attending. She asked Council to consider dates after Thanksgiving for a workshop on Economic Development with the City Manager and that a workshop would be scheduled to define the role of liaisons for committees and to establish guidelines for Lion's Roar newsletter articles from Council. She announced that the Civic Affairs Committee will meet at 9:00 a.m. on November 28<sup>th</sup> to decorate the Community Center for the holidays. Mayor Riley and Council presented a birthday cake to the City Manager and sang "Happy Birthday" to him.

**Convene into Executive Session in accordance with the Texas Government Code, Section 551.071, "Consultations with Attorney" to seek advice from the City Attorney regarding possible legal action as related to a change order request to a contract with R.L. Jones, L.P. for the Huebner Creek Drainage Improvements project; and in accordance with the Texas Government Code, Section 551.074, "Personnel Matters" to discuss the City Manager Selection.**

Mayor Riley announced that the City Council would convene into executive session in accordance with the Texas Government Code, Section 551.071, "Consultation with Attorney" to discuss possible litigation regarding possible legal action as related to a change order request to a contract with R.L. Jones, L.P. for the Huebner Creek Drainage Improvements project; and in accordance with the Texas Government Code, Section 551.074, "Personnel Matters" to discuss the City Manager selection at 8:28 p.m.

**Reconvene into open session.**

Mayor Riley reconvened the meeting into open session at 9:23 p.m.

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**Consider removing from the table M&C #10-15-06 - Request for Change Order #1 for R. L. Jones L.P. and associated budget adjustment to the Capital Projects Fund (\$35,000).**

A motion was made by Councilmember Semmelmann, seconded by Councilman Reyna, to remove M&C # 10-15-06 from the table. Upon vote, the motion carried unanimously.

**Consider M&C # 10-15-06 - Request for Change Order #1 for R. L. Jones L.P. and associated budget adjustment to the Capital Projects Fund (\$35,000)**

A motion was made by Councilmember Maloy, seconded by Councilmember Rangel, to approve the Change Order #1 for R.L. Jones, L.P. and associated budget adjustment to the Capital Projects Fund in the amount of \$ 35,000. Upon vote, the motion carried unanimously.

**Consider discussion and any action as appropriate from executive session.**

Mayor Riley stated that no action was going to be taken, but she announced that the City Manager candidate Mark Roath had telephoned her last week and informed her that he was withdrawing his name from consideration for the City Manager position. Mayor Riley announced that Council is considering another applicant.

**Adjourn.**

A motion was made by Councilmember Semmelmann, seconded by Councilmember Dean, to adjourn the meeting. Upon vote, the motion carried and Mayor Riley announced the meeting adjourned at 9:25 p.m.

Chris Riley

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Mayor

ATTEST:

Marie Feutz

\_\_\_\_\_  
City Secretary

*Approved by unanimous vote of City Council at the Regular City Council Meeting of November 21, 2006.*